

**REMARKS/ARGUMENTS**

Claims 1-15 are pending. Claims 16-20 have been canceled without prejudice and without disclaimer. Claims 6 and 11-15 have been amended. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Applicants note with appreciation the allowance of claim 1-5.

Claims 6-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Peake et al. (US 2004/0188775 A1). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Peake et al.

Applicants respectfully submit that independent claim 6 as amended is novel and patentable over Peake et al. because, for instance, Peake et al. does not teach or suggest a second device comprising a dielectric layer formed adjacent an opening at a top of the trench feature on opposite sides of the trench feature which extends downward from a top surface of the dielectric layer, a gate oxide formed in the trench feature and over the dielectric layer, a polysilicon layer formed on the gate oxide in the trench feature including a space near the top of the trench feature between the top surface of the dielectric layer and an upper surface of the polysilicon layer with the dielectric layer disposed on opposite sides thereof, a second isolation layer formed on the dielectric layer and having an opening to expose the polysilicon layer, and a metal layer formed on the polysilicon layer.

The Examiner alleges that Peake et al. shows a second device 11e in Fig. 13 comprising a dielectric layer 51e, a gate oxide 17, and a polysilicon layer 11e. Applicants note that the extension 11e does not include a space below the top of the trench feature between the top surface of the dielectric layer and an upper surface of the polysilicon layer with the dielectric layer disposed on opposite sides thereof. Instead, the extension 11e extends above the top surface of the dielectric layer. The Examiner further alleges that Peake et al. shows a second isolation layer 18e and a metal layer 110g. Applicants note that the insulating layer 18e does not have an opening to expose the polysilicon layer so that the metal layer is formed on the polysilicon layer.

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For at least the foregoing reasons, claim 6 and claims 7-15 depending therefrom are novel and patentable over Peake et al.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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